

123103

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Mail Stop Patent Application

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Darryl A. Smith

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Signature of person mailing paper or fee)

19270 U.S.PTO
10/750919
123103**PATENT APPLICATION**

Atty. Docket: A38

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION
 COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR NEW APPLICATION

Transmitted herewith for filing is a new, original U.S. Patent Application.

Inventor(s): Carl A. WALDSPURGER, Michael NELSON, Daniel J. SCALES and Pratap SUBRAHMANYAM

Title: **Generating and Using Checkpoints in a Virtual Computer System**

Small Entity: NO

Enclosed are:

Declaration and Power of Attorney. signed unsigned

Application, including 1 p. Title page, 49 pp. Specification, 6 pp. Claims, and 1p. Abstract

18 sheet(s) of drawings

Assignment and Assignment Recordation Form Cover Sheet

Information Disclosure Statement, PTO Form 1449, and copies of ___ references

Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i) (Non-publication request)

Self-addressed receipt confirmation postcard

Filing Fee Calculation

| | Number Filed | | Number Extra | Rate | Fee |
|-----------------------------------|--------------|-----|--------------|---------|-----------------|
| Basic Filing Fee (37 CFR 1.16(a)) | | | | | \$770.00 |
| Total Claims | 28 | -20 | 8 | \$18.00 | \$144.00 |
| Independent Claims | 3 | -3 | 0 | \$86.00 | \$0.00 |
| TOTAL FILING FEE | | | | | \$914.00 |

F Payment:

[XX] Filing Fee \$ 914.00

Method of Payment

The Commissioner is hereby authorized to charge the fees indicated above, in the amount of \$ 914.00, to deposit account no. 50-2652. A copy of this authorization is enclosed.

Authorization to Charge/Credit Over/Underpayment to Deposit Account

The Commissioner is hereby authorized to charge any underpayment, and credit any overpayment, to deposit account no. 50-2652. A copy of this authorization is enclosed.

Mailing Address

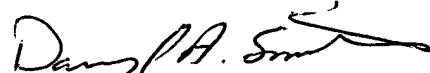
Please mail all correspondence to:

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Date: 31 December 2003

Respectfully Submitted,



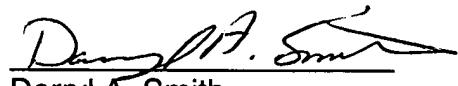
Darryl A. Smith
Reg. No. 37,723
Attorney for the Applicant(s)

**REQUEST AND CERTIFICATION
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

| | |
|----------------------|---|
| First Named Inventor | WALDSPURGER, Carl A. |
| Title | Generating and Using Checkpoints in a Virtual Computer System |
| Atty Docket Number | A38 |

I hereby certify that the invention disclosed in the attached application **has not and will not** be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

31 December 2003
Date


Darryl A. Smith
Reg. No. 37,723
Attorney for the Applicant(s)

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this non-publication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**